

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:13CR289 HEA
)	
DARRELL A. SCOTT,)	
)	
Defendant,)	

OPINION, MEMORANDUM AND ORDER

This matter is before the Court on the Report and Recommendation of Magistrate Judge Terry I. Adelman addressing Defendant's Motions to Suppress Evidence and Statements, [Doc. No. 155]. In his November 17, 2014 Memorandum and Recommendation, Judge Adelman recommends that the motion be denied. Defendant has filed written objections to Judge Adelman's Memorandum and Recommendations.

When a party objects to the magistrate judge's report and recommendation, the Court must conduct a *de novo* review of the portions of the report, findings, or recommendations to which the party objected. See *United States v. Lothridge*, 324 F.3d 599, 600 (8th Cir.2003) (citing 28 U.S.C. § 636(b)(1)). Pursuant to 28 U.S.C. § 636, the Court will therefore conduct such a *de novo* review of those portions of the Memorandum and Recommendations to which Defendant objects. The Court has reviewed the entire record for this purpose.

Defendant objects to Judge Adelman's recommendation based upon his argument that it is within the realm of possibility that Defendant thought he had an attorney acting on his behalf and that his attorney had been contacted, based on the proximity to Defendant's previous court appearance.

Although Defendant argues that his statements and evidence should not be suppressed based on the "realm of possibility" of what Defendant could have been thinking, Defendant's argument is mere speculation and is in no way supported by the facts as adduced at the hearing before Judge Adelman on September 16, 2014. While Defendant makes a valiant effort to have the evidence and statements suppressed, the record is quite clear that Defendant was informed of his rights, voluntarily waived his rights and was identified by three separate witnesses. The realm of possibility cannot overcome these undisputed facts.

Based upon the foregoing, the Court agrees with Judge Adelman's conclusions in their entirety. The Recommendation is adopted *in toto*.

Accordingly,

IT IS HEREBY ORDERED that the Motion to Suppress Evidence and

Statements, [Doc. No. 155], is denied.

Dated this 3rd day of December, 2014.

A handwritten signature in black ink, reading "Henry Edward Autrey", is positioned above a horizontal line.

HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE